

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Case #04-30170-MAP

WESTFIELD EAST MAIN)
STREET LLC, Plaintiff)

v.)

C. DAVID TRADER,)
JEAN M. TRADER,)
JOSEPH B. MITCHELL,)
TERESA K. MITCHELL,)
DONALD GOVE,)
MARK D. SIEBERT,)
BRIAN BURKE,)
MICHAEL BRETON,)
BRADFORD MOIR,)
MARY MOIR,)
INTERSTATE BUILDING)
SUPPLY, INC., and)
LUMBER CENTER, INC.,)
Defendants)

DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT

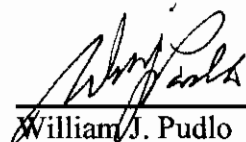
Now come the Defendants in the above captioned action, through Counsel, and oppose the Plaintiff's Motion to Enforce the Settlement Order. As grounds for this opposition the Defendants state that after the final terms of the settlement agreement were set on or about July of this year, the Defendants reviewed and signed the Agreements and Releases attendant thereto.

The Defendants have never reneged on the Agreement and proceeded to marshal their assets for payment of the sums required under the Agreement. The Defendants have always been prepared to comply with the Settlement Agreement. Simply because evidence of the final payments has not been delivered on the Plaintiff's timetable is no

cause for any action by this Court. In further support hereof, see Affidavit of William J. Pudlo attached hereto.

WHEREFORE, the Defendants demand that the Plaintiff's motion be denied with prejudice and the Defendants be awarded their reasonable attorney's fees for the preparation of the opposition to this Motion and the prior motion to enforce the Agreement (heretofore denied by this Court).

The Defendants,
by their Attorney,

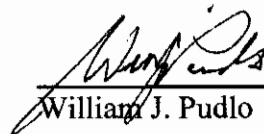


William J. Pudlo
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Telephone: (413) 739-400

Certificate of Service

I, William J. Pudlo, hereby certify that I have served a copy of the above pleading by mailing a copy of the same, postage prepaid, to David Brown, 101 Federal Street, Boston, Massachusetts 02110.

Dated: October 30, 2006


William J. Pudlo